



2026:CGHC:17054-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 314 of 2023

{Arising out of order dated 31-10-2023 in Civil MJC No.7/2022 of the Judge, Family Court, Manendragarh/Camp Baikunthpur, District Korla}

Judgment reserved on: 24-3-2026

Judgment delivered on: 15-4-2026

Judgment (Full) uploaded on: 15-4-2026

1. Priti Shrivastava, D/o Vinay Kumar Shrivastava, Aged about 26 years, R/o Mahalpara, PS and Tahsil Baikunthpur, District Korla, Chhattisgarh.
2. Anupama Singh, W/o Vinay Kumar Shrivastava, Aged about 53 years, R/o PS and Tahsil Baikunthpur, District Korla, Chhattisgarh.
(Applicants)
... Appellants

versus

Vinay Kumar Shrivastava, S/o Badrilal, Aged about 60 years, R/o 10/1685, Sector-1, Shivanagar, Khamtarai-2, Raipur, Chhattisgarh.
(Non-Applicant)
... Respondent

For Appellants	: Mr. Tarendra Kumar Jha, Advocate.
For Respondent	: Mr. Chandresh Shrivastava, Advocate.
<i>Amicus Curiae</i>	: Mr. Manoj Paranjpe, Senior Advocate with Mr. Kabeer Kalwani, Advocate.
<i>Amicus Curiae</i>	: Mr. Rahul Tamaskar, Advocate.

Division Bench: -
Hon'ble Shri Sanjay K. Agrawal and
Hon'ble Shri Sachin Singh Rajput, JJ.

**C.A.V. Judgment****Sanjay K. Agrawal, J.**

For sake of exposition, this Order is divided in following parts:-

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Challenge in the Appeal

1. The appellants herein seek to challenge the impugned order dated 31-10-2023 passed by the Judge, Family Court, Manendragarh/ Camp Court Baikunthpur, District Korla in Civil MJC No.7/2022, by which their application filed under Section 14(1) of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental



Retardation and Multiple Disabilities Act, 1999 (for short, 'the Act of 1999'), has been rejected holding that the Family Court has no jurisdiction to entertain the application for appointment of guardian to the person with disability i.e. appellant No.1 herein.

Question of Law Involved

2. The short question of law that is involved in the appeal is, whether for the custody/guardianship of a person with disability, the Family Court would have the jurisdiction to entertain the application under Section 7(1) read with Explanation (g) of the Family Courts Act, 1984 (for short, 'the Act of 1984') or application would lie before the appropriate Committee under Section 14(1) of the Act of 1999?

Quintessential Facts

3. Marriage between appellant No.2 herein and the respondent herein was solemnized on 15-12-2012. Appellant No.1 herein is a person with disability. She is the biological daughter of the respondent herein and appellant No.2 herein is her stepmother. Appellant No.1 is major and she is the person with disability within the meaning of Section 2(j) of the Act of 1999, as she is suffering from mental retardation. Pursuant to the matrimonial discord between appellant No.2 and the respondent, appellant No.2 got herself transferred from Raipur to Baikunthpur and started living with her mother and sister. It is the case of appellant No.2 that on 28-10-2022/29-10-2022, the respondent came to her house at Baikunthpur and started quarrelling with her mother and sister and unsuccessfully attempted



to take appellant No.1 with him, but with the police intervention, it could not be done by the respondent herein leading to filing of application for guardianship before the Family Court, Manendragarh, District Korla to appoint appellant No.2 as guardian of appellant No.1 under Section 14(1) of the Act of 1999 in which the respondent filed application under Order 7 Rule 11 of the CPC that the Family Court has no jurisdiction to entertain the application and the appropriate Committee constituted under Section 14(1) of the Act of 1999 would have the jurisdiction to entertain that application, if any. The Family Court by its impugned order rejected the application holding that the appropriate Committee under Section 14(1) of the Act of 1999 would have the jurisdiction to entertain the application and the Family Court has no jurisdiction to entertain the application, by granting the application under Order 7 Rule 11(d) of the CPC, and consequently, rejected the application under Section 14(1) of the Act of 1999 filed by the appellants leading to filing of appeal under Section 19(1) of the Act of 1984 questioning the order of the Family Court rejecting their application under Section 14(1) of the Act of 1999.

Submission of the Appellants

4. Mr. Tarendra Kumar Jha, learned counsel appearing on behalf of the appellants, would submit that the Family Court is absolutely unjustified in rejecting the application by recording a finding which is perverse to the record and would make further submission that the date on which the application for appointment of guardianship was



filed before the Family Court, Committee under Section 14(1) of the Act of 1999 was not constituted and functioning and, therefore, the appellants have no option except to file application before the Family Court and even otherwise, the Act of 1999 does not expressly debar the Family Court to entertain the application for appointment of guardianship of a person with disability. He would also submit that since it is the family dispute, the Family Court would undoubtedly have the jurisdiction to entertain the application for appointment of guardian of person with disability. Therefore, the order impugned is liable to be set aside and the matter be restored to the file of the Family Court for hearing and disposal in accordance with law.

Submission of the Respondent

5. Mr. Chandresh Shrivastava, learned counsel appearing on behalf of the respondent, would submit that the Family Court is absolutely justified in rejecting the application as upon coming into force of the Act of 1999 with effect from 30-12-1999 and after constitution of local level committees under Section 13 of the Act of 1999 being a special Act, the Family Court would have no jurisdiction to entertain the application for appointment of guardian to person with disability, as the Family Court has never been conferred with the jurisdiction for appointment of guardianship to person with disability, therefore, the Family Court is absolutely justified in rejecting the application. He would further submit that the Act of 1999 and the Rules and Regulations made thereunder are a Special Act and self-contained code which specifically prescribe for the entire procedure for



appointment of guardian to a person with disability, as Section 7 of the Act of 1984 only gives jurisdiction with regard to guardianship of the person or the custody of, or access to any minor and neither gives authority for appointment of guardian for property of minor nor regarding guardianship of any major person suffering from any disability. As such, the appeal deserves to be dismissed.

Submissions of the Amicus

6. Mr. Manoj Paranjpe, learned Senior Counsel appearing as *amicus*, would submit that upon constitution of the Act of 1999 with effect from 30-12-1999 and after constituting local level committees under Section 13(1) of the Act of 1999, the Family Court would have no jurisdiction, as the power conferred for appointment of guardianship to person with disability has even not been expressly conferred to the Family Court. He would rely upon the decision of the Madras High Court in the matter of **G. Nityanandam v. D. Saritha and another**¹ to buttress his submission.
7. Mr. Rahul Tamaskar, learned counsel appearing as *amicus*, would submit that the Act of 1999 is a special law and the CPC providing for appointment of guardian to person with disability is a general law, therefore, once the special law i.e. the Act of 1999 is enacted, it will prevail over the general law i.e. the CPC based on the principle of maxim '*generalia specialibus non derogant*'. He would rely upon the decisions of the Supreme Court in the matters of **Gujarat State Cooperative Land Development Bank Ltd. v. P.R. Mankad**

¹ 2013 (2) MWN (Civil) 817



and others² and Life Insurance Corporation of India v. D.J. Bahadur and others³ to contend that when there is a conflict between a special and a general statute, the special law will prevail.

8. We have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the record with utmost circumspection.

Legislative History qua Law of Guardianship

9. Pre 1890, Guardianship was largely governed by personal laws and customs.

The Guardians and Wards Act, 1890

10. The first consolidated codified law with respect to guardian and ward was enacted with effect from 1-7-1890 named and styled as the Guardians and Wards Act, 1890 (for short, 'the Act of 1890'), where 'guardian' was defined under Section 4(2) as a person having the care of the person of a minor or of his property or of both his person and property. Section 9(1) confers jurisdiction to the District Court if the application is with respect to guardianship of the person of the minor and Section 9(2) conferred jurisdiction to the District Court if the application is with respect to the guardianship of the property of the minor. "District Court", as defined under Section 4(4), has the meaning assigned to that expression in the Code of Civil Procedure, 1882 (now the Code of Civil Procedure, 1908) and includes a High Court in the exercise of its ordinary original civil jurisdiction. As

² (1979) 3 SCC 123

³ (1981) 1 SCC 315



such, Section 9 of the Act of 1890 confers power upon the 'District Court' as defined under the Code of Civil Procedure, 1882 both to entertain application for guardianship of minor or his property or both. The Act of 1890 had no specific provision for guardianship of person or property of person with disability.

The Code of Civil Procedure, 1908

11. The Code of Civil Procedure, 1908 (for short, 'the CPC') was introduced with effect from 1-1-1909. Order XXXIIA Rule 1(2)(c) was inserted with effect from 1-2-1977. It contained provisions for guardianship of the person or the custody of any minor or other member of the family, under a disability. It did make specific provision regarding guardianship of property of a minor or person with disability. Clause (c) of sub-rule (2) of Rule 1 of Order XXXIIA of the CPC provides as under: -

"1. Application of the Order.—(1) xxx xxx xxx

(2) In particular, and without prejudice to the generality of the provisions of sub-rule (1), the provisions of this Order shall apply to the following suits or proceedings concerning the family, namely:—

(a) and (b) xxx xxx xxx

(c) a suit or proceeding in relation to the guardianship of the person or the custody of any minor or other member of the family, under a disability;

xxx xxx xxx

xxx xxx xxx"



Similarly, in sub-rule (3) of Rule 1 of Order XXXIIA of the CPC, it has been specifically provided that Order XXXIIA shall not be applicable to a matter provided by special law. It provides as under: -

"(3) So much of this Order as relates to a matter provided for by a special law in respect of any suit or proceeding shall not apply to that suit or proceeding."

As such, under the CPC, jurisdiction was specifically conferred upon civil court to try matters pertaining to guardianship of person with disability in addition to minor.

The Hindu Minority and Guardianship Act, 1956

12. The Hindu Minority and Guardianship Act, 1956 was introduced with effect from 25th August, 1956 to supplement to the Act of 1890. It is an Act to amend and codify certain parts of the law relating to minority and guardianship among Hindus and further, it is an Act which is in addition to, and not, save as otherwise expressly provided, in derogation of, the Act of 1890. By virtue of Section 4(a) of the Act of 1956, "minor" means a person who has not completed the age of eighteen years and four kinds of guardians have been defined in Section 4(b) of the Act of 1956, they are, (i) a natural guardian; (ii) a guardian appointed by the will of the minor's father or mother; (iii) a guardian appointed or declared by a court; and (iv) a person empowered to act as such by or under any enactment relating any court of wards. The Act of 1956 confers power upon the District Court to grant permission to the natural guardian by providing that the natural guardian shall not, without the previous permission of the court, mortgage or charge, or transfer by sale, gift,



exchange or otherwise, any part of the immovable property of the minor. As such, Section 8(2) of the Act of 1956 confers power only upon the District Court to grant permission to transfer the property of minor with the previous permission of the District Court as defined under Section 8(6) of the Act of 1956. This jurisdiction was specifically conferred upon the District Court for the first time by the legislature.

The Family Courts Act, 1984

13. The Family Courts Act, 1984 was introduced with effect from 14-11-1986. It is enacted to provide for the establishment of Family Courts with a view to promote conciliation in, and secure speedy settlement of disputes relating to marriage and family affairs and for matters connected therewith. One of the objects of the Act of 1984 is to provide for guardianship of a person or the custody of any minor. Section 7, Chapter III, of the Act of 1984 deals with jurisdiction of the Family Court. Section 7(1) provides that a Family Court shall have and exercise all the jurisdiction exercisable by any district court or any subordinate civil court under any law for the time being in force in respect of suits and proceedings of the nature referred to in the explanation, and Explanation (g) which is relevant to our case states as under: -

*"Explanation.—*The suits and proceedings referred to in this sub-section are suits and proceedings of the following nature, namely:—

(g) a suit or proceeding in relation to the guardianship of the person or the custody or, or access to, any minor."



14. As such, by virtue of Explanation (g) appended to Section 7(1) of the Act of 1984, a suit or proceeding in relation to the guardianship of the person or the custody of, or access to, any minor has expressly been conferred to the Family Court, without specifying if the said provision will be applicable for persons with disabilities, unlike the CPC, which clearly makes provision for appointment of guardian for person with disability. It also does not confer power for appointment of guardian for property of the minor and still it remained with the District Court under Section 9 of the Act of 1890 read with Section 8(2) of the Act of 1956 and power to alienate the property of minor remained with the District Court under Section 8(2) of the Act of 1956. Section 8 of the Act of 1984 deals with exclusion of jurisdiction and pending proceedings holding that where a Family Court has been established for any area, no district court or any subordinate civil court referred to in sub-section (1) of Section 7 shall, in relation to such area, have or exercise any jurisdiction in respect of any suit or proceeding of the nature referred to in the Explanation to that sub-section, meaning thereby, with respect to Section 7(1), Explanation (g), the Family Court would have the exclusive jurisdiction to deal with a suit or proceeding in relation to the guardianship of the person or the custody of, or access to, any minor and the District Court would have no jurisdiction, and the power to deal with minor's property remained with the District Court.



The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999

15. The Act of 1999 was enacted with effect from 30-12-1999 to provide for the constitution of a body at the national level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected therewith or incidental thereto. The Act of 1999 seeks primarily to uphold the rights, promote the development and safeguard the interests of persons with Autism, Cerebral Palsy, and Mental Retardation and Multiple Disability and their families. Section 2(j) of the Act of 1999 defines "person with disability". Section 11(2)(e) provides for setting up of local level committee to grant approval for guardianship. Section 13 prescribes the power for constitution of local level committees, sub-section (1) provides for constitution of a local level committee for such area as may be specified by it from time to time and sub-section (2) provides that a local level committee shall consist of (a) an officer of the civil service of the Union or of the State; (b) a representative of a registered organisation; and (c) a person with disability as defined in clause (t) of Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Section 14 provides for appointment of guardianship and sub-section (1) states that a parent of a person with disability or his relative may make an application to the local level committee for appointment of any person of his choice to act as a guardian of the persons with disability. By virtue of Section 14(4),



the local level committee is entitled to receive, process and decide applications received under sub-sections (1) and (2), in such manner as may be determined by regulations. Under Section 34, the Central Government has been conferred power to make rules for carrying out the provisions of the Act and accordingly, the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Rules, 2000 have been made. Similarly, in exercise of power to make regulations conferred upon the Central Government by virtue of Section 35 of the Act of 1999, the Board, with the previous approval of the Central Government made the Board of the Trust Regulations, 2001. Regulation 11 provides as to who may apply for guardianship and Regulation 12 provides as to who may be indicated by applicant as guardian. Regulation 13 provides Guidelines for receiving, processing and confirmation of application for appointment of a guardian. Similarly, Regulation 14 provides Particulars of orders passed by the Local Level Committee and it prescribes that the Local Level Committee shall send to the Board the particulars of the applications received by it and the orders passed thereof, every three months and the order passed by the Local Level Committee under Section 14(1) of the Act of 1999 read with the rules made thereunder will be subject to proceedings under Article 226/227 of the Constitution of India.

16. As such, from the conjoint reading of the provisions contained in the Act of 1999 read with the Rules of 2000 and the Regulations of 2001, it is apparent that the Act of 1999 and the Rules and Regulations



made thereunder are special legislation to cater for the welfare of the persons suffering from Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities. Thus, the Act of 1999 is the only legislation specially enacted for appointment of guardianship of persons with autism, mental retardation, cerebral palsy and persons with multiple disabilities, whereas the CPC provided for appointment of guardian for persons with disability but only to the extent where no special law was applicable, once special law is enacted in shape of the Act of 1999, it (CPC) will give way to the special law.

Prior General law and Later Particular law

17. A prior general Act may be affected by a subsequent particular or special Act, if the subject-matter of the particular Act prior to its enforcement was being governed by the general provisions of the earlier Act. In such a case the operation of the particular Act may have the effect of partially repealing the general Act, or curtailing its operation, or adding conditions to its operation for the particular cases. The distinction may be important at times for determining the applicability of those provisions of the General Clauses Act, 1897, (Interpretation Act, 1889 of UK now Interpretation Act, 1978) which apply only in case of repeals. (See **Principles of Statutory Interpretation** by Justice G.P. Singh, 15th Edition.)



Generalia Specialibus Non Derogant

18. The maxim “*Generalia specialibus non derogant*” is a well acknowledged legal maxim which means that if two laws cover the same subject-matter, the special law overrides the general one.

19. The maxim “*Generalia specialibus non derogant*” is quite well-known. The rule flowing from the maxim has been explained in

Mary Seward v. Owner of the “Vera Cruz”⁴ as follows:

“Now if anything be certain it is this, that where there are general words in a later Act capable of reasonable and sensible application without extending them to subjects specially dealt with by earlier legislation, you are not to hold that earlier and special legislation indirectly repealed, altered, or derogated from merely by force of such general words, without any indication of a particular intention to do so.” (Para 8). *U.P. SEB v. Hari Shankar Jain*⁵.”

20. The Supreme Court in **Gujarat State Cooperative Land Development Bank Ltd.** (supra) held that in accordance with the maxim *generalia specialibus non derogant*, nothing in these general provisions can derogate from B.I.R. Act and the Cooperative Society Act must yield to the special provisions in the Bombay Industrial Relations Act, and observed as under: -

“**29.** The matter can be looked at from another angle also. The law of industrial disputes or industrial relations is a special law dealing with rights and obligations specially created by it. As against this, the provision in Section 54 of the Act of 1925/ Section 96 of the Act of 1961 is a general provision. In accordance with the maxim *generalia specialibus non derogant*, therefore, nothing in these general provisions can derogate from B.I.R. Act and the Cooperative Society Act must yield to the special provisions in the Bombay Industrial

4 (1884) 10 AC 59, 68

5 (1978) 4 SCC 16, 27



Relations Act, whenever a dispute clearly comes within the language of the latter Act.”

21. Similarly, in **Life Insurance Corporation of India** (supra), the Supreme Court has held that the legal maxim *generalia specialibus non derogant* is ordinarily attracted where there is a conflict between a special and a general statute and an argument of implied repeal is raised, and observed as under: -

“49. The next logical question then is as to whether the ID Act is a general legislation pushed out of its province because of the LIC Act, a special legislation in relation to the Corporation employees. Immediately, we are confronted with the question as to whether the LIC Act is a special legislation or a general legislation because the legal maxim *generalia specialibus non derogant* is ordinarily attracted where there is a conflict between a special and a general statute and an argument of implied repeal is raised. ...

“54. ... The maxim *generalia specialibus non derogant* is quite well known. The rule flowing from the maxim has been explained in *Mary Seward v. Owner of the 'Vera Cruz'* [craies on statute law, 1963 Edn, PP 376-77] as follows:

‘Now if anything be certain it is this, that where there are general words in a later Act capable of reasonable and sensible application without extending them to subjects specially dealt with by earlier legislation, you are not to hold that earlier and special legislation indirectly repealed, altered, or derogated from merely by force of such general words, without any indication of a particular intention to do so.’”

22. Similarly, in the matter of **Suresh Nanda v. Central Bureau of Investigation**⁶, relying upon the principles laid down in Justice G.P. Singh’s Principles of Statutory Interpretation, it has been held that the special law prevails over the general law.

6 (2008) 3 SCC 674



23. Lastly, in the matter of **Harcharan Dass Gupta v. Union of India**⁷, the Supreme Court has held that the Arbitration Act, 1996 in general governs the law of Arbitration and Conciliation, whereas the MSMED Act, 2006 governs specific nature of disputes arising between specific categories of persons, to be resolved by following a specific process through a specific forum. The Supreme Court has further held that ergo, the MSMED Act, 2006 being a special law and the Arbitration Act, 1996 being a general law, the provisions of the MSMED Act would have precedence over or prevail over the Arbitration Act, 1996, and observed as under: -

“8. We have given our anxious consideration to the submissions of both the parties. In our view, the issue is no more res integra and is covered by the decision of this Court in **Mahakali**. As we need to do nothing more than refer to the relevant portions of the binding precedent, the reasoning, as well as the conclusion in this decision are extracted herein for ready reference. At the outset, the following two paragraphs clearly explain the principle on the basis of which the court holds that the MSMED Act overrides the Arbitration Act:

“42. Thus, the Arbitration Act, 1996 in general governs the law of Arbitration and Conciliation, whereas the MSMED Act, 2006 governs specific nature of disputes arising between specific categories of persons, to be resolved by following a specific process through a specific forum. Ergo, the MSMED Act, 2006 being a special law and the Arbitration Act, 1996 being a general law, the provisions of the MSMED Act would have precedence over or prevail over the Arbitration Act, 1996. In Silpi Industries case [Silpi Industries v. Kerala SRTC, (2021) 18 SCC 790] also, this Court had observed while considering the issue with regard to the maintainability and counter-claim in arbitration proceedings initiated as per Section 18(3) of the MSMED Act, 2006 that the MSMED Act, 2006 being a special legislation to protect MSMEs by setting out a statutory mechanism for the payment of interest on delayed payments, the said Act would override the provisions of the



Arbitration Act, 1996 which is a general legislation. Even if the Arbitration Act, 1996 is treated as a special law, then also the MSMED Act, 2006 having been enacted subsequently in point of time i.e. in 2006, it would have an overriding effect, more particularly in view of Section 24 of the MSMED Act, 2006 which specifically gives an effect to the provisions of Sections 15 to 23 of the Act over any other law for the time being in force, which would also include the Arbitration Act, 1996.”

Lex Posterior Derogate Priori

24. The issue can be considered from another angle that is to say another legal maxim, *lex posterior derogate priori* (later law repeals earlier law. As per the rules of interpretation discussed in the matter of **Maya Mathew v. State of Kerala and others**⁸, it has been held by the Supreme Court that where a later special law is repugnant to or inconsistent with an earlier general law, the later special law will prevail over the earlier general law, and further, it has been observed as under: -

“12. The rules of interpretation when a subject is governed by two sets of rules are well settled. They are:

(i) When a provision of law regulates a particular subject and a subsequent law contains a provision regulating the same subject, there is no presumption that the latter law repeals the earlier law. The rule-making authority while making the later rule is deemed to know the existing law on the subject. If the subsequent law does not repeal the earlier rule, there can be no presumption of an intention to repeal the earlier rule;

(ii) When two provisions of law—one being a general law and the other being a special law govern a matter, the court should endeavour to apply a harmonious construction to the said provisions. But where the intention of the rule-making authority is made clear either expressly or

8 (2010) 4 SCC 498



impliedly, as to which law should prevail, the same shall be given effect.

(iii) If the repugnancy or inconsistency subsists in spite of an effort to read them harmoniously, the prior special law is not presumed to be repealed by the later general law. The prior special law will continue to apply and prevail in spite of the subsequent general law. But where a clear intention to make a rule of universal application by superseding the earlier special law is evident from the later general law, then the later general law, will prevail over the prior special law.

(iv) Where a later special law is repugnant to or inconsistent with an earlier general law, the later special law will prevail over the earlier general law.”

Discussion and Analysis

25. As such, following the principles of law laid down by their Lordships of the Supreme Court relying upon the maxims *generalia specialibus non derogant* and *lex posterior derogate priori*, in our considered opinion, the Act of 1999 being a special legislation especially enacted for the welfare of the persons with disabilities taking care not only for appointment of guardians, but for their welfare throughout, will have the overriding effect over Order XXXIIA Rule 1(2)(c) of the CPC which provided for appointment of guardian of person with disability, but only to the extent where the special law is not applicable, however, since here in the present case, special law i.e. the Act of 1999 has been enacted with effect from 30-12-1999, therefore, the Family Court would have no jurisdiction to entertain the application for appointment of guardian of person with disability.
26. As such, after coming into force of the Act of 1999 and constitution of local level committee, the general law as contained in Order XXXIIA



Rule 1(2)(c) of the CPC will be no more operating and jurisdiction has been conferred exclusively upon the local level committee and thus, the Family Court has rightly did not exercise the jurisdiction. Accordingly, the Family Court is absolutely justified in not touching upon the jurisdiction exclusively vested in the local level committee under Section 14(1) of the Act of 1999, even if the local level committee was not constituted at that time, the appellants herein were required to invoke the jurisdiction of this Court under Article 226/227 of the Constitution of India, but in no case, the Family Court would have the jurisdiction to entertain that application. The question of law is answered accordingly.

Conclusion

27. In view of the aforesaid discussion, we are of the considered opinion that the special Act of 1999 made for the welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities will prevail over the general law enacted under Order XXXIIA Rule 1(2)(c) of the CPC. Therefore, the application filed by the appellants was not maintainable before the Family Court after the introduction of the Act of 1999 with effect from 30-12-1999.
28. Now, it is stated at the Bar by the learned amicus that a local level committee has already been constituted at Koriya (Baikunthpur) with effect from 19-1-2026. The appellants are at liberty to move application before the said committee and the said committee will make its endeavour to consider and dispose of the said application in



accordance with the Act of 1999 and the rules and regulations made thereunder, expeditiously.

29. With the aforesaid observation and direction, the appeal stands dismissed. There will be no order as to costs.

30. This Court appreciates the assistance rendered by Mr. Manoj Paranjpe, Senior Advocate, and Mr. Rahul Tamaskar, Advocate, who appeared as *amicus curiae* and made submissions and also assisted the Court by giving written synopsis in the matter.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Sd/-
(Sachin Singh Rajput)
JUDGE